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Attorneys for Defendants A Oboyle and T. Phillips

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRANDON M. ESCAMILLA,

Plaintiff,

vs.

A. OBOYLE, et al.,

Defendants.

) Case No.: 2:22-cv-02038-KJM-AC P
)
) **STIPULATION TO MODIFY**
) **DISCOVERY AND SCHEDULING**
) **ORDER**

COMES NOW THE PARTIES, by and through their respective attorneys and subject to the approval of this Court, hereby stipulate and respectfully request the following modifications/amendments of the Court's Discovery and Scheduling Order (ECF No. 58). The parties hereby stipulate, through their counsel of record, as follows:

1 **WHEREAS**, on November 4, 2022, Plaintiff Brandon Escamilla initiated this
2 action by filing a 1983 Prisoner Civil Rights Complaint (ECF No. 1);

3 **WHEREAS**, Plaintiff subsequently obtained permission from this Court to file
4 his Third Amended Complaint (ECF No. 50), and Plaintiff's Third Amended Complaint
5 was filed on August 28, 2023 (ECF No. 51);

6 **WHEREAS**, Defendants answered Plaintiff's Third Amended Complaint on
7 January 31, 2024 (ECF No. 56);

8 **WHEREAS**, on February 6, 2024, Magistrate Judge Allison Claire issued a
9 Discovery and Scheduling Order (ECF No. 58);

10 **WHEREAS**, the Discovery and Scheduling Order issued in this case provides
11 that the "parties may conduct discovery until **May 31, 2024**. Any motions necessary to
12 compel discovery shall be filed by **May 31, 2024**. All requests for discovery pursuant to
13 Federal Rules of Civil Procedure 31 (deposition by written question), 33
14 (interrogatories), 34 (production of documents), or 36 (admissions) shall be served no
15 later than **April 1, 2024**." (ECF No. 58, at p.6:1-4);

16 **WHEREAS**, the Discovery and Scheduling Order also provides that "[A]ll
17 pretrial motions, except motions to compel discovery and motions directly related to trial
18 proceedings, shall be filed on or before **August 23, 2024**. (Id., at p.6:5-8);

19 **WHEREAS**, on March 20, 2024, attorney Robert Chalfant, filed a Notice of
20 Appearance, and now represents Mr. Escamilla in this matter (ECF No. 59);

21 **WHEREAS**, the parties have met and conferred regarding Mr. Chalfant's
22 appearance in this matter, outstanding discovery issues, and the filing of a motion to
23 continue the discovery and dispositive motion deadlines, and settlement. In order to
24 avoid motion practice, the parties have mutually agreed to modify the Discovery and
25 Scheduling Order, as follows:

26 The parties may conduct discovery until September 30, 2024, and any motions to
27 compel discovery shall be filed by October 31, 2024; and

28 All pretrial motions, except motions to compel discovery and motions directly
related to trial proceedings, shall be filed on or before December 2, 2024.

1 **SO STIPULATED.**

2
3 Dated: April 1, 2024

ROBERT CHALFANT LAW, PC

4
5 By: /s/ Robert Chalfant

6 ROBERT CHALFANT
7 Attorney for Plaintiff

8 Dated: March 27, 2024

REILY & JEFFERY, INC.

9
10
11 By: /s/ Janine K. Jeffery (Auth. 3/27/24)

12 Janine K. Jeffery
13 Attorneys for Defendants
14 A. OBOYLE and T. PHILLIPS

15 **~~PROPOSED~~ ORDER**

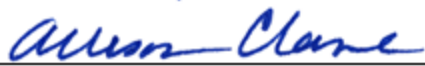
16 After considering the Stipulation by and between the parties' counsel of record:

17 The parties may conduct discovery until September 30, 2024, and any motions to compel
18 discovery shall be filed by October 31, 2024; and

19 All pretrial motions, except motions to compel discovery and motions directly related to
20 trial proceedings, shall be filed on or before December 2, 2024.

21 **IT IS SO ORDERED.**

22 DATED: April 1, 2024

23 
24 ALLISON CLAIRE
25 UNITED STATES MAGISTRATE JUDGE
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